

**DEPARTMENT OF SOCIAL SERVICES**

744 P Street, Sacramento, CA 95814



September 30, 2002

Regulation Package #0801-17

CDSS MANUAL LETTER NO. CCL-02-14

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,  
CHAPTER 8.5, RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL

**Regulation Package #0801-17****Effective 9/8/02****Sections 87801, 87861, and 87925**

This manual letter has been posted on the Office of Regulations Development website at [http://www.dss.cahwnet.gov/ord/Residentia\\_634.htm](http://www.dss.cahwnet.gov/ord/Residentia_634.htm).

Pursuant to Health and Safety Code Section 1797.196, these regulations pertain to the use of Automated External Defibrillators (AEDs) in adult and elderly facilities. Presently there is no prohibition against AEDs in community care facilities. Anyone wishing to purchase an AED may do so, following federal regulations which AED vendors must provide to purchasers. The purpose of having Community Care Licensing regulations in place for adult and elderly facilities is to clarify for licensees that AEDs in facilities are permitted, and what the requirements are. The regulations will also provide guidelines to licensees for district office oversight of AEDs in facilities. It is preferable to proactively address this new technology than to have licensees trying to seek information from district offices with no regulations to guide them.

AEDs were designed to enable trained lay persons to administer an electric shock to the heart of anyone in cardiac arrest wherever an AED was located. The AED voice-prompts the user through the process of preparing to apply, and applying, electric shock. Almost anyone can quickly learn to use an AED. Cardiac arrest due to abnormal heart rhythm causes death for many thousands of Americans every year. Electric shock restores normal rhythm to the heart. If applied within a maximum of ten minutes from the beginning of the cardiac arrest, electric shock saves lives. Before the introduction of portable AEDs, paramedics and physicians were rarely able to administer electric shock within ten minutes; therefore, most victims of cardiac arrest died. Today, with the placement of AEDs in locations where groups of people gather (sports arenas, shopping malls, airports, etc.), it is possible for rescuers to apply electric shock with an AED in a shorter period of time, thus saving the lives of many more cardiac arrest victims.

These regulations were adopted on September 8, 2002 and were considered at the Department's public hearing held on April 17, 2002.

## **FILING INSTRUCTIONS**

**Revisions to all manuals are shown in graphic screen.** The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-02-13. The latest prior manual letter containing Residential Care Facilities for the Chronically Ill regulation changes was Manual Letter No. CCL-02-06.

### **Page(s)**

3 and 3.1  
5 and 6  
14 and 15  
71 and 72  
150 and 151

### **Replace(s)**

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Attachments

JTP

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**Article 2. DEFINITIONS****87801 DEFINITIONS****87801**

- (a) The following definitions shall apply wherever the terms are used throughout Division 6, Chapter 8.5, except where specifically noted otherwise.
- (1) "Activities of daily living" mean various chores that must be completed by or for a person on a daily basis to meet his/her personal needs.
    - (A) Such chores shall include but not be limited to housework, meal preparation, laundry of clothes/linens and other washable items, taking medication, money management, transportation for personal or medical appointments, communicating with others either through telephone or in writing, dressing, eating, toileting, bathing, grooming, and ambulation.
  - (2) "Administrator" means the licensee, or the adult designated by the licensee to act in his/her behalf in the overall management of the facility.
  - (3) "Adult" means a person who is 18 years of age or older.
  - (4) "Ambulatory Person" means a person who is capable of demonstrating the mental competence and physical ability to leave a building without the assistance of any other person and without the use of any mechanical aid in case of an emergency.
  - (5) "Applicant" means any adult, firm, partnership, association, corporation, county, city, public agency or other governmental entity that has applied for a Residential Care Facility for the Chronically Ill license.
  - (6) "Appropriately Skilled Professional" means an individual who is licensed in California to perform the necessary medical procedures within his/her scope of practice as prescribed by a physician. This includes, but is not limited to, the following: Registered Nurse (RN), Licensed Vocational Nurse (LVN), Physical Therapist (PT), Occupational Therapist (OT) and Respiratory Therapist (RT). These professionals may include, but are not limited to, those persons employed by a home health agency, the resident, or the facility.

<b>87801</b>	<b>DEFINITIONS (Continued)</b>	<b>87801</b>
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- (7) "Authorized Representative" means any person or entity authorized by law to act on behalf of any resident. Such person or entity includes, but is not limited to, a conservator, a public placement agency, or the person who has durable power of attorney for health care for the resident.
- (8) "Automated External Defibrillator" (AED) means a light-weight, portable device used to administer an electric shock through the chest wall to the heart. Built-in computers assess the patient's heart rhythm, determine whether defibrillation (electrical shock) is needed and then administer the shock. Audible and/or visual prompts guide the user through the process.
- (b) (1) "Basic Rate" means the rate charged by a facility to provide basic services. For SSI/SSP recipients, the basic rate means the established nonmedical out-of-home care rate which includes any exempt income allowance but does not include that amount allocated for the recipient's personal and incidental needs.
- (2) "Basic Services" means those services specified in Section 87860 required by applicable laws and regulations, which are to be provided by the licensee in order to obtain and maintain a license to operate a Residential Care Facility for the Chronically Ill.
- (c) (1) "Capacity" means the maximum number of persons authorized to be provided care and supervision at any one time in any licensed facility.
- (2) "Care and Supervision" means any one or more of the following activities provided or promised to be provided in the future by a person or facility to meet the needs of the residents:
- (A) Assistance in dressing, grooming, bathing and other personal hygiene.
  - (B) Assistance with taking medication.
  - (C) Central storing and/or distribution of medications.
  - (D) Arrangement of and assistance with medical and dental care.
  - (E) Maintenance of house rules for the protection of residents.
  - (F) Arrangement and managing of resident schedules and activities.
  - (G) Maintenance and/or management of resident cash resources or property.

<b>87801</b>	<b>DEFINITIONS (Continued)</b>	<b>87801</b>
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- (t) (1) "Transfer Trauma" means the consequences of the stress and emotional shock caused by an abrupt, involuntary relocation of a resident from one facility to another.
- (2) "Tuberculin Skin Test" means using the Mantoux technique and recording test results in millimeters of induration (swelling).
- (u) (1) "Unlicensed Residential Care Facility for the Chronically Ill" means a facility is providing or has promised to provide care and supervision, as defined in Subsection (c) (2) above. Examples of unlicensed facilities shall include, but not be limited to, any one of the following circumstances:
- (A) The facility accepts or retains residents who demonstrate the need for care or supervision, without being licensed as a Residential Care Facility for the Chronically Ill. Such unlicensed facilities shall include, but not be limited to:
- (1) A facility whose license has been revoked or denied, but the facility continues to provide care for the same residents or different residents with similar needs.
- (2) A facility where a change of ownership has occurred and the same residents are retained and the new owner has not filed an application for license.
- (3) A licensed facility which moves to a new location without filing a new application for license.
- (4) An unlicensed facility which advertises as providing care and/or supervision.
- (5) A facility with residents requiring care and/or supervision, even though the facility is providing board and room only, or board only, or room only.
- (6) A facility, where it is apparent that care and/or supervision are being provided by virtue of the resident's needs being met.

<b>87801</b>	<b>DEFINITIONS (Continued)</b>	<b>87801</b>
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(2) "Urgent Need" means a situation where prohibiting the operation of the facility would be detrimental to the residents' physical health, mental health, safety, or welfare. Circumstances constituting urgent need include, but are not limited to, the following:

(A) A change in facility location when residents are in need of services from the same operator at the new location.

(B) A change of facility ownership when residents are in need of services from a new operator.

(v) "Voluntary" means resulting from free will.

(w) (1) "Waiver" means a nontransferable written authorization by the Department to use alternative means which meet the intent of a specific regulation and which are based on a facility-wide need or circumstance.

(2) "Wound" means a surgical incision, laceration of the skin, Stage I or II decubitus ulcers, skin eruptions or skin lesions.

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

NOTE: Authority cited: Section 1568.072, Health and Safety Code. Reference: Sections 1568.01, 1568.02, 1568.03, 1568.061, 1568.064, 1568.072, and 1797.196, Health and Safety Code.



<b>87861</b>	<b>REPORTING REQUIREMENTS (Continued)</b>	<b>87861</b>
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- (1) Events reported shall include the following:
  - (A) Death of any resident from any cause.
  - (B) Any injury to any resident which requires medical treatment.
  - (C) The use of an Automated External Defibrillator.
  - (D) Any unusual incident or resident abuse which threatens the physical or emotional health or safety of any resident.
  - (E) Any suspected physical or psychological abuse of any resident.
  - (F) Poisonings.
  - (G) Catastrophes.
  - (H) Communicable diseases, as specified in California Code of Regulations, Title 17, Section 2502.
  - (I) Fires or explosions which occur in or on the premises.
- (2) Information provided shall include the following:
  - (A) Resident's name, age, sex, and date of admission.
  - (B) Date and nature of event.
  - (C) Attending physician's name, findings, and treatment, if any.
  - (D) Disposition of the case.
- (c) The items below shall be reported to the Department within 10 working days following the occurrence.
  - (1) Organizational changes.
  - (2) Any change in the licensee's or applicant's mailing address.
  - (3) Any change of the chief executive officer of a corporation or association.
    - (A) Such notification shall include the new chief executive officer's name and address.

<b>87861</b>	<b>REPORTING REQUIREMENTS (Continued)</b>	<b>87861</b>
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- (B) Fingerprint cards shall be submitted as specified in Section 87819.
- (4) Any changes in the plan of operation which affect the services to residents.
- (d) The items specified in (b)(1)(A) through (I) above shall also be reported to the resident's authorized representative, if any.
- (e) The items specified in (b)(1)(E) through (G) above shall also be reported to the local health officer, when appropriate, pursuant to Title 17, California Code of Regulations, Sections 2500, 2502 and 2503, including:
- (1) Report to the local health department any resident, licensee, administrator, employee or volunteer whose tuberculin skin test converts from negative to positive.
  - (2) Report to the local health department any current resident who is currently taking medications for tuberculosis.
  - (3) Report to the local health department any resident who is currently taking medication for tuberculosis and plans to relocate or has relocated.
- (f) Fires or explosions which occur in or on the premises shall be reported immediately to the local fire authority; in areas not having organized fire services, to the State Fire Marshal within 24 hours; and to the Department no later than the next working day.

NOTE: Authority cited: Section 1568.072, Health and Safety Code. Reference: Sections 1568.072 and 1797.196, Health and Safety Code.

<b>87925</b>	<b>AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)</b>	<b>87925</b>
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- (a) A licensee is permitted to maintain and operate an AED at the facility if all of the following requirements are met:
- (1) The licensee shall notify the licensing agency in writing that an AED is in the facility and will be used in accordance with all applicable federal and other state requirements.
  - (2) The AED shall be used in accordance with all applicable federal and other state requirements.
  - (3) The licensee shall maintain at the facility the following:
    - (A) A copy of the required physician's prescription for the AED.
    - (B) A training manual from an American Heart Association- or American Red Cross-recognized AED training class.
    - (C) A log of checks of operation of the AED containing the dates checked and the name of person checking.
    - (D) A copy of a valid AED operator's certificate for any employee(s) authorized by the licensee to operate the AED. The certificate shall indicate that the AED training course completed complies with the standards of the American Heart Association or the American Red Cross. If it does not, then other evidence indicating that the AED training course completed complies with the standards of the American Heart Association or the American Red Cross shall be available at the facility.
    - (E) A log of quarterly proficiency demonstrations for each holder of an AED operator's certificate who is authorized by the licensee to operate the AED. The log shall contain the dates of the demonstrations and the manner of demonstration.
  - (4) A supply kit shall be maintained at the facility and be readily available for use with the AED. The kit shall contain at least the following:
    - (A) A back-up battery set.
    - (B) An extra set of pads.

87925 (Cont.)	RESIDENTIAL CARE FACILITIES FOR THE CHRONICALLY ILL	Regulations
<b>87925</b>	<b>AUTOMATED EXTERNAL DEFIBRILLATORS (AEDS)</b> (Continued)	<b>87925</b>
	(C) A safety razor for shaving chest hair when necessary to apply the pads.	
	(D) A cardiovascular pulmonary resuscitation barrier (a face shield or mask) for protection from transmission of infectious disease.	
	(E) Two pairs of unused medical examination gloves (latex or non-latex).	
(5)	Any use of an AED shall be reported as specified in Section 87861(b).	
(6)	Requests to Forego Resuscitative Measures, Advance Directives and Do-Not-Resuscitate Orders shall be observed as specified in Section 87924.	

NOTE: Authority cited: Section 1568.072, Health and Safety Code. Reference: Sections 1568.02, 1568.072, and 1797.196, Health and Safety Code.